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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANGELA VARGAS,

Plaintiff,

v.

CLARK COUNTY,

Defendant.

2:09-CV-2076 JCM (RJJ)

**ORDER**

Presently before the court is plaintiff Angela Vargas' motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 41(a). (Doc. #21). Defendant Clark County has not filed an opposition.

Plaintiff's complaint includes a claim under the Americans with Disabilities Act of 1999, as well as state-law claims. On October 28, 2009, defendant removed this action to this court based upon the fact that the complaint dealt with a federal question. (Doc. #1). Plaintiff now moves to voluntarily dismiss her federal claim. Moreover, she asserts that if the federal claim is dismissed, this court should decline to exercise supplemental jurisdiction over the additional state-law claims, and dismiss them without prejudice.

Under rule 41(a)(2), upon the plaintiff's request, the court may elect to dismiss the action without prejudice, if the court deems dismissal is proper. If additional state-law claims are part of the same case and controversy as the federal claim, the district court may exercise supplemental jurisdiction, if to do so is in the interest of fairness, convenience, and judicial economy. *Mendoza v. Zirkle Fruit Co.*, 301 F.3d 1163, 1174 (9<sup>th</sup> Cir. 2002) (citing *City of Chicago v. Int'l College of*

1 *Surgeons*, 522 U.S. 156, 172-173 (1997)). Furthermore, under Local Rule 7-2(d), the opposing  
2 party's failure to file a response to a motion constitutes consent to granting the motion.

3 Here, defendant has not opposed plaintiff's motion to dismiss without prejudice.  
4 Furthermore, if plaintiff's federal claim is dismissed, it is in the interest of fairness, convenience, and  
5 judicial economy to dismiss the related state law claims as well. Where plaintiff has moved for  
6 voluntary dismissal, and defendant has not opposed plaintiff's motion, this court finds that dismissal  
7 of all claims pursuant to rule 41(a) is proper.

8 Accordingly,

9 IT IS HEREBY ORDERED ADJUDGED AND DECREED that plaintiff's motion to dismiss  
10 (doc. #21) be, and the same hereby is, GRANTED without prejudice.

11 DATED September 30, 2010.

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14 **UNITED STATES DISTRICT JUDGE**